

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Wolfire Games, LLC, Sean Colvin, Susann  
Davis, Daniel Escobar, William Herbert, Ryan  
Lally, Hope Marchionda, Everett Stephens,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

VALVE CORPORATION, a Washington  
corporation,

Defendant.

No. 2:21-CV-563

**DEFENDANT VALVE  
CORPORATION'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
SECOND AMENDED  
CONSOLIDATED CLASS ACTION  
COMPLAINT**

**JURY TRIAL DEMANDED**

On December 16, 2020, the Court dismissed all of Plaintiffs' claims predicated on separate markets and illegal tying. (Dkt. #80 at 8 (dismissing Counts I-IV and part of Count VII)). Accordingly, Valve responds substantively herein only to Plaintiffs' remaining claims and allegations that reasonably relate to the remaining claims. With respect to such allegations, each allegation not specifically admitted herein is denied. To the extent any headings, tables, figures, or any unnumbered paragraphs in the Complaint contain any allegations, Valve denies those allegations. Valve reserves the right to amend this answer as this case proceeds.

## **OVERVIEW OF THE ACTION**

1. Valve admits that millions of Americans play video games. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 1, and therefore denies them. Valve specifically denies that 75% of \$30 billion in annual revenue flows through Valve.

2. Paragraph 2 contains legal conclusions to which no response is required. To the extent a response is required, Valve denies the allegations in paragraph 2 and footnote 1.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent a response is required, Valve denies the allegations in paragraph 3.

4. Valve admits that it began operating Steam at a time when most game sellers were brick-and-mortar distributors. Valve lacks knowledge or information to form a belief as to the truth of the remaining allegations in paragraph 4, and therefore denies them.

5. Valve lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5, and therefore denies them.

6. Valve denies all allegations in paragraph 6.

7. No response to the allegations in paragraph 7 or footnote 2 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. Paragraph 7 and footnote 2 also contain legal conclusions to which no response is required. To the extent a response is required, Valve denies the allegations in paragraph 7 and footnote 2.

8. No response to the allegations in paragraph 8 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 8.

9. No response to the allegations in paragraph 9 or footnote 3 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with

1 prejudice. To the extent a response is required, Valve denies the allegations in paragraph 9 and  
2 footnote 3.

3 10. No response to the allegations in paragraph 10 is required because the Court  
4 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
5 the extent a response is required, Valve denies the allegations in paragraph 10.

6 11. Valve denies all allegations in paragraph 11.

7 12. No response to the allegations in paragraph 12 is required because the Court  
8 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
9 the extent a response is required, Valve denies the allegations in paragraph 12.

10 13. Valve denies all allegations in paragraph 13.

11 14. Valve admits that the quoted words appear in the cited Tweet, and respectfully  
12 refers the Court to the Tweet for a complete statement of its contents. Valve denies the facts  
13 asserted in the quotation. Valve denies any remaining allegations in paragraph 14 and footnote 4.

14 15. Valve admits that the quoted words appear in the cited version of the Steamworks  
15 Documentation and respectfully refers the Court to that version of the Steamworks  
16 Documentation for a complete statement of its contents. Valve admits that the quoted words are  
17 contained in the Steamworks Documentation. Valve denies the remaining allegations in  
18 paragraph 15 and footnote 5.

19 16. Paragraph 16 contains legal conclusions to which no response is required. To the  
20 extent a response is required, Valve denies the allegations in paragraph 16.

21 17. No response to the allegations in paragraph 17 is required because the Court  
22 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
23 the extent a response is required, Valve denies the allegations in paragraph 17.

24 18. Valve denies all allegations in paragraph 18 and footnote 6.

25 19. Valve admits that the quoted words appear in one version of the Steamworks  
26 Documentation and respectfully refers the Court to the Steamworks Documentation for a

1 complete statement of its contents. Valve admits that consumers who make in-game purchases  
 2 on Steam may in some instances do so using their Steam Wallets, but denies the remaining  
 3 allegations in paragraph 19.

4 20. Paragraph 20 contains legal conclusions to which no response is required. To the  
 5 extent a response is required, Valve denies the allegations in paragraph 20. Valve specifically  
 6 denies the existence of an “anticompetitive scheme” and the consequences of it that Plaintiffs  
 7 allege.

8 21. Valve admits that it has roughly 350 employees. Valve lacks knowledge or  
 9 information sufficient to form a belief as to the remaining allegations in the first sentence of  
 10 paragraph 21, and therefore denies them. Valve denies the remaining allegations in paragraph 2.

11 22. Valve denies all allegations in paragraph 22.

12 23. Valve denies all allegations in paragraph 23.

13 24. No response to the allegations in paragraph 24 is required because the Court  
 14 dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with prejudice. To  
 15 the extent a response is required, Valve denies the allegations in paragraph 24.

16 25. No response to the allegations in paragraph 25 is required because the Court  
 17 dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with prejudice. To  
 18 the extent a response is required, Valve denies the allegations in paragraph 25.

### 19 **PARTIES**

20 26. Valve admits that it is a Washington corporation headquartered in Bellevue,  
 21 Washington, and that it develops, publishes, and distributes video games on its online gaming  
 22 platform, Steam. Valve admits that it collects a percentage (“Revenue Share”) of the sales price  
 23 on Steam, which sometimes equals 30% of the price. Valve specifically denies that its  
 24 commissions are anticompetitive, and Valve denies any remaining allegations in paragraph 26.

1           27.     Valve lacks knowledge or information sufficient to form a belief as to the location  
2 of Wolfire’s headquarters. Valve admits that Wolfire has entered into certain agreements with  
3 Valve. Valve denies the remaining allegations in paragraph 27.

4           28.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations in paragraph 28, and therefore denies them.

6           29.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
7 the allegations in paragraph 29, and therefore denies them.

8           30.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
9 the allegations in paragraph 30, and therefore denies them.

10          31.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
11 the allegations in paragraph 31, and therefore denies them.

12          32.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
13 the allegations in paragraph 32, and therefore denies them.

14          33.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations in paragraph 33, and therefore denies them.

16          34.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
17 the allegations in paragraph 34, and therefore denies them.

#### 18                                   **JURISDICTION AND VENUE**

19          35.     Valve admits that Plaintiffs bring this action under Sections 4 and 16 of the  
20 Clayton Act, Section 2 of the Sherman Act, and Washington’s Consumer Protection Act. Valve  
21 denies the remaining allegations in paragraph 35.

22          36.     Paragraph 36 contains legal conclusions to which no response is required. To the  
23 extent a response is required, Valve denies the allegations in paragraph 36.

24          37.     Paragraph 37 contains legal conclusions to which no response is required. To the  
25 extent a response is required, Valve admits that its headquarters are located in Bellevue,  
26 Washington. Valve denies the remaining allegations in paragraph 37.

38. Paragraph 38 contains legal conclusions to which no response is required. To the extent a response is required, Valve admits that it transacts business in the Western District of Washington. Valve denies the remaining allegations in paragraph 38.

39. Paragraph 39 contains legal conclusions to which no response is required. To the extent a response is required, Valve admits that Valve's principal place of business is in the State of Washington. Valve denies any remaining allegations in paragraph 39.

40. Paragraph 40 contains a legal conclusion to which no response is required. To the extent a response is required, Valve denies the allegations in Paragraph 40.

41. Paragraph 41 contains a legal conclusion to which no response is required. To the extent a response is required, Valve admits that it transacts business in the Western District of Washington. Valve denies the remaining allegations in paragraph 41.

## **FACTUAL ALLEGATIONS**

### **I. BACKGROUND**

42. Valve admits that a video game is an electronic game that can be played on a computing device such as a PC, gaming console, smartphone, or tablet. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 42, and therefore denies them.

43. Valve admits only that video games can be played on different types of devices. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 43, and therefore denies them.

44. Valve lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44, and therefore denies them.

45. Valve lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45, and therefore denies them.

46. Valve lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46, and therefore denies them.

1           47. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in paragraph 47 or footnote 8, and therefore denies them.

3           48. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
4 the allegations in paragraph 48, and therefore denies them.

5           49. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
6 the allegations in paragraph 49, and therefore denies them.

7           50. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations in paragraph 50, and therefore denies them.

9           51. The allegations that Valve quickly obtained and then anticompetitively  
10 maintained market power, gained market power, stifled competition, and engaged in  
11 anticompetitive conduct are legal conclusions to which no response is required. To the extent a  
12 response is required, Valve denies these allegations. Valve lacks knowledge or information  
13 sufficient to form a belief as to the truth of the remaining allegations in paragraph 51, and  
14 therefore denies them.

15           52. Valve admits that when games are purchased digitally, consumers can sometimes  
16 download the game directly to their PC. Valve lacks knowledge or information sufficient to form  
17 a belief as to the truth of the remaining allegations in paragraph 52, and therefore denies them.

18           **A. Valve—A PC Desktop Game Publisher Turned Gaming Platform Monopolist**

19           53. Valve lacks knowledge or information sufficient to form a belief as to whether  
20 Half-Life was “comparable” to the other games mentioned, and therefore denies these  
21 allegations. Valve admits the remaining allegations in paragraph 53.

22           54. Valve admits that Sierra originally published Half-Life and other PC games.  
23 Valve denies the allegation that in 2001 it acquired WON. Valve lacks knowledge or information  
24 sufficient to form a belief as to the truth of the remaining allegations in paragraph 54, and  
25 therefore denies them.

1           55. No response to the allegations in paragraph 55 is required because the Court  
2 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
3 the extent a response is required, Valve admits only that it launched Steam in 2003 and that  
4 Steam helped users keep their games up to date. Valve denies the remaining allegations in  
5 paragraph 55.

6           56. No response to the allegations in paragraph 56 is required because the Court  
7 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
8 the extent a response is required, Valve admits that consumers purchased games from other  
9 distributors rather than on Steam when Steam launched but denies the remaining allegations in  
10 paragraph 56.

11           57. No response to the allegations in paragraph 57 is required because the Court  
12 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
13 the extent a response is required, Valve admits that it released Half-Life 2 in 2004 and that upon  
14 release consumers could purchase it on Steam and from resellers. Valve denies the remaining  
15 allegations in paragraph 57.

16           58. No response to the allegations in paragraph 58 is required because the Court  
17 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
18 the extent a response is required, Valve admits that that upon release consumers could purchase  
19 Half-Life 2 on Steam and from resellers, and could play it on Steam. Valve denies the remaining  
20 allegations in paragraph 58.

21           59. No response to the allegations in paragraph 59 is required because the Court  
22 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
23 the extent a response is required, Valve denies the allegations in paragraph 59.

24           60. No response to the allegations in paragraph 60 is required because the Court  
25 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
26



1 the extent a response is required, Valve denies the allegations in paragraph 60. Valve denies that  
2 it collects “personal information.”

3 61. No response to the allegations in paragraph 61 is required because the Court  
4 dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with prejudice. To  
5 the extent a response is required, Valve denies the allegations in paragraph 61

6 62. Paragraph 62 contains legal conclusions to which no response is required. To the  
7 extent a response is required, Valve denies the allegations in paragraph 62.

8 63. Valve admits that the quoted words in footnote 9 appear in the cited publication,  
9 and respectfully refers the Court to the publication for a complete statement of its contents.  
10 Valve lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
11 about brick-and-mortar retailers’ costs or commissions in paragraph 63, and therefore denies  
12 them. Valve denies the remaining allegations in paragraph 63 and footnote 9.

13 64. Valve denies all allegations in paragraph 64.

14 65. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations in paragraph 65 or footnotes 10 and 11, and therefore denies them.

16 66. Valve admits that the quoted words appear in the cited publications and  
17 respectfully refers the Court to the publications for a complete statement of their contents. Valve  
18 denies the facts asserted in the quotation. Valve denies the remaining allegations in paragraph 66.

19 67. Valve denies all allegations in paragraph 67.

20 68. Valve denies all allegations in paragraph 68.

21 69. Valve denies all allegations in paragraph 69.

22 70. Valve admits that it added social networking features, communities of game  
23 moderators, and an achievement system to Steam. Valve denies the remaining allegations in  
24 paragraph 70.

25 71. Valve admits all allegations in paragraph 71 and footnotes 15, 16, and 17.

26 72. Valve denies all allegations in paragraph 72.

1 **II. RELEVANT MARKETS**

2 73. No response to the allegations in paragraph 73 is required because the Court  
3 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
4 the extent a response is required, Valve denies the allegations in paragraph 73.

5 74. No response to the allegations in paragraph 74 is required because the Court  
6 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
7 the extent a response is required, Valve denies the allegations in paragraph 74.

8 75. No response to the allegations in paragraph 75 is required because the Court  
9 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
10 the extent a response is required, Valve denies the allegations in paragraph 75.

11 **A. The Distinctiveness of PC Desktop Games**

12 76. No response to the allegations in paragraph 76 and footnote 18 is required  
13 because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying  
14 with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 76  
15 and footnote 18.

16 77. Valve admits that some games do not work on more than one specific hardware  
17 system. Valve lacks knowledge or information sufficient to form a belief as to the truth of the  
18 remaining allegations in paragraph 77, and therefore denies them.

19 78. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
20 the allegations in paragraph 78, and therefore denies them.

21 79. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
22 the allegations in paragraph 79, and therefore denies them.

23 80. Valve admits that the quoted words appear in the cited article and respectfully  
24 refers the Court to the article for a complete statement of its contents. Valve admits the facts  
25 alleged in the quotations. Valve denies any remaining allegations in paragraph 80 or footnote 19.

26 81. Valve admits that the quoted words appear in the cited article and respectfully

1 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
2 information sufficient to form a belief as to the truth of the second quotation in paragraph 81, and  
3 therefore denies it. Valve denies any remaining allegations in paragraph 81 or footnote 20.

4 82. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations in paragraph 82, and therefore denies them.

6 83. Valve admits that there are multiple PC gaming platforms. Valve lacks knowledge  
7 or information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
8 83, and therefore denies them.

9 84. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
10 the allegations in paragraph 84, and therefore denies them.

11 85. Valve admits that games that allow online multiplayer gaming do not always  
12 allow the players on each platform to game together across different hardware systems. Valve  
13 lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
14 allegations in paragraph 85, and therefore denies them.

15 86. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations in paragraph 86, and therefore denies them.

17 87. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
18 the allegations in paragraph 87 or footnote 21, and therefore denies them.

19 88. Valve admits that the website “NewZoo” breaks the “Global Games market” into  
20 three categories in the referenced market summary, and respectfully refers the Court to the  
21 website for a complete statement of its contents. Valve lacks knowledge or information to form a  
22 belief as to the truth of NewZoo’s analysis, and therefore denies these allegations. Valve denies  
23 any remaining allegations in paragraph 88 and footnote 22.

24 89. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations in paragraph 89, and therefore denies them.  
26

1           90. Valve admits that it included the quoted words in the cited document, and  
 2 respectfully refers the Court to the document for a complete statement of its contents. Valve  
 3 denies that the quoted words are applicable to the analysis of market definition and other issues  
 4 in this case. Valve denies any remaining allegations in paragraph 90 and footnote 23.

5           91. Valve admits that, in the Epic case, it took the position that Valve did not compete  
 6 in the mobile application market. Valve denies the remaining allegations in paragraph 91.

7           **B. The Market for PC Desktop Platforms**

8           92. Valve admits that the quoted words appear in the cited publication, and  
 9 respectfully refers the Court to the publication for a complete statement of its contents. Valve  
 10 lacks knowledge or information sufficient to form a belief as to the truth of the facts asserted in  
 11 the quotation, and therefore denies them. Valve denies any remaining allegations in paragraph 24  
 12 and footnotes 24 and 25.

13           93. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
 14 the allegations regarding the role technology platforms play in the nation's economy, and  
 15 therefore denies them. Valve admits that the quoted words appear in the cited Report, and  
 16 respectfully refers the Court to the Report for a complete statement of its contents. Valve denies  
 17 the facts asserted in the quotation. Valve denies any remaining allegations in paragraph 93 and  
 18 footnotes 26, 27, and 28.

19           94. No response to the allegations in paragraph 94 is required because the Court  
 20 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
 21 the extent a response is required, Valve denies the allegations in paragraph 94.

22           95. Valve admits that some games do not work on more than one system. Valve lacks  
 23 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
 24 in paragraph 95, and therefore denies them.

25           96. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
 26 the allegations in paragraph 96, and therefore denies them.

1           97.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in paragraph 97, and therefore denies them.

3           98.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
4 the allegations in paragraph 98, and therefore denies them.

5           99.     Valve lacks knowledge or information sufficient to form a belief as to the truth of  
6 the allegations in paragraph 99, and therefore denies them.

7           100.    Valve admits that the quoted words appear in the cited article and website post,  
8 and respectfully refers the Court to the article and website post for complete statements of their  
9 contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the  
10 facts asserted in the quotations, and therefore denies them. Valve lacks knowledge or  
11 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
12 100 and footnotes 29 and 30, and therefore denies them.

13           101.   Valve admits that the quoted words appear in the cited document, and respectfully  
14 refers the Court to the document for a complete statement of its contents. Valve denies that the  
15 quoted words are applicable to the analysis of market definition and other issues in this case.  
16 Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
17 allegations in paragraph 101 and footnote 31, and therefore denies them.

18           102.   Valve lacks knowledge or information sufficient to form a belief as to the truth of  
19 the allegations in paragraph 102, and therefore denies them.

20           103.   Valve lacks knowledge or information sufficient to form a belief as to the truth of  
21 the allegations in paragraph 103, and therefore denies them.

22           104.   Valve lacks knowledge or information sufficient to form a belief as to the truth of  
23 the allegations in paragraph 104, and therefore denies them.

24           105.   Valve denies all allegations in paragraph 105.

25           106.   Valve lacks knowledge or information sufficient to form a belief as to the truth of  
26 the allegations in paragraph 106, and therefore denies them.

1           **C.     The Market for PC Desktop Game Distribution**

2           107. No response to the allegations in paragraph 107 or footnotes 32 and 33 is required  
3 because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying  
4 with prejudice. To the extent a response is required, Valve denies the allegations in paragraph  
5 107 and footnotes 32 and 33. Valve specifically denies that Valve extracts an anticompetitive  
6 30% commission from PC Desktop Game microtransactions.

7           108. No response to the allegations in paragraph 108 is required because the Court  
8 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
9 the extent a response is required, Valve denies the allegations in paragraph 108.

10          109. No response to the allegations in paragraph 109 or footnote 34 is required because  
11 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
12 prejudice. To the extent a response is required, Valve denies the allegations in paragraph 109 and  
13 footnote 34.

14          110. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations in paragraph 110, and therefore denies them.

16          111. Valve denies that the Steam Store became dominant by 2013 after seven straight  
17 years of more than doubling its annual sales volume. Valve lacks knowledge or information  
18 sufficient to form a belief as to the truth of the remaining allegations in paragraph 111 or  
19 footnote 35, and therefore denies them. To the extent a response is required, Valve denies the  
20 remaining allegations in paragraph 111 and footnote 35.

21          112. Valve admits that Steam had 20 million concurrent users at times in March 2020.  
22 Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
23 allegations in paragraph 112 or footnotes 36 and 37, and therefore denies them.

24          113. Valve admits that the quoted words appear in the cited website post, and  
25 respectfully refers the Court to the post for a complete statement of its contents. Valve admits the  
26 facts asserted in the quotation.

1 114. Valve admits that the reproduced diagram appears on the cited website, and  
 2 respectfully refers the Court to the website for a complete statement of its contents. Valve lacks  
 3 knowledge or information sufficient to form a belief as to the truth of the contents of the  
 4 diagram, and therefore denies these allegations. Valve denies any remaining allegations in  
 5 paragraph 114 and footnote 39.

6 115. No response to the allegations in paragraph 115 is required because the Court  
 7 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
 8 the extent a response is required, Valve denies the allegations in paragraph 115.

9 116. No response to the allegations in paragraph 116 is required because the Court  
 10 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
 11 the extent a response is required, Valve admits that Steam Keys are alphanumeric codes that  
 12 provide access to a digital copy of a Steam-enabled game. Valve denies the remaining  
 13 allegations in paragraph 116.

14 117. Valve admits the allegations in paragraph 117.

15 118. No response to the allegations in paragraph 118 is required because the Court  
 16 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
 17 the extent a response is required, Valve denies the allegations in paragraph 118.

18 119. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
 19 the allegations in paragraph 119, and therefore denies them.

20 120. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
 21 the allegations in paragraph 120, and therefore denies them.

22 **III. VALVE POSSESSES MONOPOLY POWER IN THE RELEVANT MARKETS**

23 121. No response to the allegations in paragraph 121 is required because the Court  
 24 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
 25 the extent a response is required, Valve denies the allegations in paragraph 121.  
 26

**A. The Steam Gaming Platform Is Dominant in the PC Desktop Gaming Platform Market**

122. Valve admits that the quoted words appear in the cited article, and respectfully refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the facts asserted in the quotation, and therefore denies them. Valve denies the remaining allegations in paragraph 122 and footnote 40.

123. Valve admits that the quoted words are spoken in the cited video, and respectfully refers the Court to the video for a complete statement of its contents. Valve lacks knowledge or information sufficient to form a belief regarding the facts asserted in the quotation, and therefore denies them. Valve denies the remaining allegations in paragraph 123 and footnote 41.

124. Valve admits that the quoted words appear in the cited publication, and respectfully refers the Court to the publication for a complete statement of its contents. Valve lacks knowledge or information sufficient to form a belief regarding the facts asserted in the quotation, and therefore denies them. Valve admits that at times during the COVID-19 pandemic, there were more than 22 million users on Steam in a single day. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 124 and footnotes 42 and 43, and therefore denies them.

125. Valve admits that the quoted words appear in the cited publications, and respectfully refers the Court to the publications for complete statements of their contents. Valve denies the facts asserted in the quotation. Valve denies the remaining allegations in paragraph 125 and footnotes 44-48.

126. Valve admits that Steam connects gamers to games, other gamers, and publishers. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 126, and therefore denies them.

127. Valve denies that the quoted words appear in the cited publication, and respectfully refers the Court to the publication for an accurate statement of its contents. Valve admits that the quoted words appear in the publication cited in footnote 44, and respectfully



1 refers the Court to the publication for a complete statement of its contents. Valve lacks  
2 knowledge or information sufficient to form a belief regarding the facts asserted in the quotation,  
3 and therefore denies them. Valve denies the remaining allegations in paragraph 127.

4 128. Valve denies that the quoted words appear in the publication cited in footnote 50,  
5 and respectfully refers the Court to the publication for an accurate statement of its contents.

6 Valve admits that the quoted words appear in the publication cited in footnote 51, and  
7 respectfully refers the Court to the publication for a complete statement of its contents. Valve  
8 lacks knowledge or information sufficient to form a belief regarding the facts asserted in the  
9 quotations, and therefore denies them. Valve admits that it collects certain data., *e.g.*, as  
10 described in the Steam Privacy Policy Agreement, [https://store.steampowered.com/privacy\\_](https://store.steampowered.com/privacy_agreement/)  
11 [agreement/](https://store.steampowered.com/privacy_agreement/). Valve denies the remaining allegations in paragraph 128.

12 129. Valve admits only that it has the ability to refuse to feature games or otherwise  
13 reduce a game's visibility on Steam. Valve denies the remaining allegations in paragraph 129.

14 130. Valve admits only that it promotes its own games on Steam. Valve denies the  
15 remaining allegations in paragraph 130.

16 131. Valve admits only that it has the ability to remove games from Steam after they  
17 have launched. Valve denies the remaining allegations in paragraph 131.

18 132. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
19 the allegations in paragraph 132 or footnote 52 and 53, and therefore denies them.

20 133. Valve lacks knowledge or information sufficient to form a belief as to the truth  
21 of the allegations in paragraph 133, and therefore denies them.

22 134. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
23 the allegations in paragraph 134, and therefore denies them.

24 135. Valve admits that Steam currently has more than 45,000 games available. Valve  
25 denies the remaining allegations in paragraph 135 and footnote 54.

1           136. Paragraph 136 contains a legal conclusion to which no response is required. To  
2 the extent a response is required, Valve admits that it maintains a “Steam Workshop.” Valve  
3 denies any remaining allegations in paragraph 136 and footnote 55.

4           137. No response to the allegations in paragraph 137 or footnote 56 is required because  
5 the Court dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with  
6 prejudice. To the extent a response is required, Valve admits that Steam Workshop users can  
7 create digital goods and modifications that can be sold to other gamers. Valve denies the  
8 remaining allegations in paragraph 137 and footnote 56.

9           138. Valve admits that it made some payments to Steam Workshop participants and  
10 discussed them. Valve denies the remaining allegations in paragraph 138 and footnotes 57 and  
11 58.

12           139. Valve denies all allegations in paragraph 139.

13           **B. The Steam Store Is Dominant in the PC Desktop Game Distribution Market**

14           140. No response to the allegations in paragraph 140 is required because the Court  
15 dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with prejudice. To  
16 the extent a response is required, Valve denies the allegations in paragraph 140.

17           141. Valve admits the allegations in paragraph 141, except that Valve denies that  
18 Plaintiffs’ alleged “PC Desktop Game Distribution Market” is legally cognizable.

19           142. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
20 the allegations in paragraph 142, and therefore denies them.

21           143. Valve denies all allegations in paragraph 143.

22           144. No response to the allegations in paragraph 144 is required because the Court  
23 dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with prejudice. To  
24 the extent a response is required, Valve denies the allegations in paragraph 144.

25           145. Valve denies all allegations in paragraph 145.  
26

**C. The Combined Steam Product Is Dominant in the Alternative PC Desktop Game Transaction Platform Market**

146. Valve denies all allegations in paragraph 146.

147. Valve denies all allegations in paragraph 147.

148. Valve denies all allegations in paragraph 148.

**IV. STEAM HAS UNLAWFULLY MONOPOLIZED THE RELEVANT MARKETS**

**A. Valve Has Tied the PC Desktop Gaming Platform to the PC Desktop Game Distribution Market**

149. No response to the allegations in paragraph 149 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 149.

150. No response to the allegations in paragraph 150 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 150.

**1. *The Steam Gaming Platform and the Steam Store Constitute Two Separate Products***

151. No response to the allegations in paragraph 151 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 151.

152. No response to the allegations in paragraph 152 or footnotes 59 and 60 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve admits that the quoted words are spoken in the cited video, and respectfully refers the Court to the video for a complete statement of its contents. Valve denies the facts asserted in the quotations. Valve denies the remaining allegations in paragraph 152 and footnotes 59 and 60.

**(a) *Historical and Current Industry Practices Show the Products Are Distinct***

153. No response to the allegations in paragraph 153 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To

1 the extent a response is required, Valve denies the allegations in paragraph 153.

2 154. No response to the allegations in paragraph 154 is required because the Court  
3 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
4 the extent a response is required, Valve denies the allegations in paragraph 154.

5 155. No response to the allegations in paragraph 155 or footnote 61 is required because  
6 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
7 prejudice. To the extent a response is required, Valve lacks knowledge or information sufficient  
8 to form a belief as to the truth of the allegations in paragraph 155 or footnote 61, and therefore  
9 denies them.

10 156. No response to the allegations in paragraph 156 is required because the Court  
11 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
12 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
13 belief as to the truth of the allegations in paragraph 156, and therefore denies them.

14 157. No response to the allegations in paragraph 157 is required because the Court  
15 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
16 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
17 belief as to the truth of the allegations in paragraph 157, and therefore denies them.

18 158. No response to the allegations in paragraph 158 is required because the Court  
19 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
20 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
21 belief as to the truth of the allegations in paragraph 158, and therefore denies them.

22 (b) Valve Allowed, and Then Blocked. Competition from Rival  
23 Distributors

24 159. No response to the allegations in paragraph 159 is required because the Court  
25 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
26 the extent a response is required, Valve admits that some sales of Steam-enabled games are sales  
of Steam Keys. Valve denies the remaining allegations in paragraph 159.

1           160. Valve admits the allegations in paragraph 160.

2           161. No response to the allegations in paragraph 161 is required because the Court  
3 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
4 the extent a response is required, Valve denies the allegations in paragraph 161.

5           162. No response to the allegations in paragraph 162 or footnote 62 is required because  
6 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
7 prejudice. To the extent a response is required, Valve denies the allegations in paragraph 162 and  
8 footnote 62.

9           163. No response to the allegations in paragraph 163 is required because the Court  
10 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
11 the extent a response is required, Valve denies the allegations in paragraph 163.

12           164. Valve denies all allegations in paragraph 164.

13           165. Valve admits that a Steam Key consists of a string of 15 letters and numbers,  
14 which grants the user access to a corresponding Steam-enabled game. Valve admits that a  
15 granted Steam Key request results in a text file that contains Steam Keys. Valve admits that a  
16 publisher can then send this file to a store that in turn offers those Steam Keys to customers, so  
17 customers can enable their purchased games on Steam. Valve denies the remaining allegations in  
18 paragraph 165.

19           166. Valve admits that the Steam Keys program is not entirely invulnerable to bad  
20 actors. Valve denies the remaining allegations in paragraph 166.

21           167. Valve admits that a "grey market" for Steam Keys exists. Valve lacks knowledge  
22 or information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
23 167, and therefore denies them.

24           168. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations in paragraph 168, and therefore denies them.  
26

1 169. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in paragraph 169, and therefore denies them.

3 170. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
4 the allegations of the existence of a “problem” and that Humble Bundle “solved” it in paragraph  
5 170, and therefore denies them. Valve admits the remaining allegations in paragraph 170.

6 171. Valve denies all allegations in paragraph 171.

7 172. No response to the allegations in paragraph 172 is required because the Court  
8 dismissed Plaintiffs’ claims predicated on separate markets and illegal tying with prejudice. To  
9 the extent a response is required, Valve denies the allegations in paragraph 172.

10 173. Valve admits that it eventually terminated the integration with Humble Bundle  
11 alleged in paragraph 170. Valve denies the remaining allegations in paragraph 173.

12 174. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
13 the allegations in paragraph 174, and therefore denies them.

14 175. Valve denies all allegations in paragraph 175.

15 176. Valve denies all allegations in paragraph 176.

16 177. No response to the allegations in paragraph 177 and footnote 63 is required  
17 because the Court dismissed Plaintiffs’ claims predicated on separate markets and illegal tying  
18 with prejudice. To the extent a response is required, Valve lacks knowledge or information  
19 sufficient to form a belief as to the truth of the allegations in paragraph 177 and footnote 63, and  
20 therefore denies them.

21 **2. *Valve Coerces Publishers into Using the Steam Store***

22 178. Valve admits the allegations in paragraph 178.

23 179. Valve denies the allegations in the first sentence of paragraph 179. Valve admits  
24 that, after a game publisher clicks “Release App,” a number of actions occur, including  
25 “publishing the store package,” which means that Valve makes the game available for purchase  
26 on Steam. Valve denies the remaining allegations in paragraph 179.

180. No response to the allegations in paragraph 180 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 180.

181. No response to the allegations in paragraph 181 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve admits that Steam Keys provide a mechanism for publishers of Steam-enabled games to market those games on non-Steam storefronts. Valve denies the remaining allegations in paragraph 181.

182. Valve admits that the quoted words appear in the cited website post, and respectfully refers the Court to the website post for a complete statement of its contents. Valve admits that the quoted words are contained in Valve's written policies. Valve denies the remaining allegations in paragraph 182 and footnotes 65 and 66.

183. Valve denies all allegations in paragraph 183.

184. Valve admits that the quoted words appear in the cited message, and respectfully refers the Court to the message for a complete statement of its contents. Valve denies all allegations of fact in paragraph 184, and further denies that Plaintiffs' have accurately characterized the quoted words in the cited message.

185. Valve denies all allegations in paragraph 185.

186. Valve denies all allegations in paragraph 186.

187. Valve admits that the quoted words appear in the cited article, and respectfully refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the facts asserted in the quotation, and therefore denies them. Valve admits that Valve does not sell on Steam versions of games enabled for other platforms. Valve denies the remaining allegations in paragraph 187 and footnote 67.

### **3. *Valve Tie Causes Anticompetitive Harm***

188. No response to the allegations in paragraph 188 or footnote 68 is required because

1 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
2 prejudice. To the extent a response is required, Valve admits that the quoted words appear in the  
3 cited article. Valve denies the facts asserted in the quotation. Valve denies the remaining  
4 allegations in paragraph 188 and footnote 68.

5 189. No response to the allegations in paragraph 189 or footnotes 69 and 70 is required  
6 because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying  
7 with prejudice. To the extent a response is required, Valve admits that the quoted words appear  
8 in the cited article. Valve denies the facts asserted in the quotation. Valve denies the remaining  
9 allegations in paragraph 189 and footnotes 69 and 70.

10 190. No response to the allegations in paragraph 190 or footnotes 69 and 70 is required  
11 because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying  
12 with prejudice. Paragraph 190 also contains legal conclusions to which no response is required.  
13 To the extent a response is required, Valve denies the allegations in paragraph 189 and footnotes  
14 71-73.

15 191. No response to the allegations in paragraph 191 is required because the Court  
16 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice.  
17 Paragraph 191 also contains legal conclusions to which no response is required. To the extent a  
18 response is required, Valve denies the allegations in paragraph 191.

19 192. No response to the allegations in paragraph 192 or footnote 74 is required because  
20 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
21 prejudice. To the extent a response is required, Valve denies the allegations in paragraph 192 and  
22 footnote 74.

23 193. No response to the allegations in paragraph 193 or footnote 75 is required because  
24 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
25 prejudice. To the extent a response is required, Valve denies the allegations in paragraph 193 and  
26 footnote 75.



1           194. No response to the allegations in paragraph 194 is required because the Court  
2 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
3 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in paragraph 194, and therefore denies them.

5           195. No response to the allegations in paragraph 195 is required because the Court  
6 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
7 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
8 belief as to the truth of the allegations in paragraph 195, and therefore denies them.

9           196. No response to the allegations in paragraph 196 is required because the Court  
10 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
11 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
12 belief as to the truth of the allegations in paragraph 196, and therefore denies them.

13           197. No response to the allegations in paragraph 197 is required because the Court  
14 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
15 the extent a response is required, Valve lacks knowledge or information sufficient to form a  
16 belief as to the truth of the allegations in paragraph 197, and therefore denies them.

17           198. No response to the allegations in paragraph 198 or footnote 76 is required because  
18 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
19 prejudice. To the extent a response is required, Valve lacks knowledge or information sufficient  
20 to form a belief as to the truth of the allegations in paragraph 198, and therefore denies them.

21           199. No response to the allegations in paragraph 199 or footnote 77 is required because  
22 the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
23 prejudice. To the extent a response is required, Valve lacks knowledge or information sufficient  
24 to form a belief as to the truth of the allegations in paragraph 199, and therefore denies them.

25           200. No response to the allegations in paragraph 200 or footnote 78 and 79 is required  
26 because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying

1 with prejudice. To the extent a response is required, Valve lacks knowledge or information  
 2 sufficient to form a belief as to the truth of the allegations in paragraph 200, and therefore denies  
 3 them.

4 **B. Valve Imposes the Valve PMFN on Publishers**

5 201. Valve denies all allegations in Paragraph 201.

6 **1. *Valve Imposes the PMFN Through Written and Unwritten Rules***

7 202. Valve denies all allegations in Paragraph 202.

8 203. Valve admits that the quoted words appear in the cited website post, and  
 9 respectfully refers the Court to the post for a complete statement of its contents. Valve admits  
 10 that the quoted words are contained in Valve's Steamworks Documentation. Valve denies the  
 11 remaining allegations in Paragraph 203 and footnote 80.

12 204. Valve admits that the quoted words appear in the cited Tweets, and respectfully  
 13 refers the Court to the Tweets for a complete statement of their contents. Valve denies the facts  
 14 asserted in the quotations. Valve denies the remaining allegations in Paragraph 204 and footnotes  
 15 81 and 82.

16 205. Valve denies all allegations in Paragraph 205.

17 206. Valve denies all allegations in Paragraph 206.

18 207. Valve lacks knowledge or information sufficient to form a belief regarding the  
 19 truth of the allegations in paragraph 207, and therefore denies them.

20 208. Valve denies all allegations in paragraph 208.

21 209. Valve denies all allegations in paragraph 209.

22 210. Valve denies all allegations in paragraph 210.

23 211. Valve denies all allegations in paragraph 211.

24 212. Valve denies all allegations in paragraph 212.

25 213. Valve admits that the quoted words appear in the cited website post, and  
 26 respectfully refers the Court to the post for a complete statement of its contents. Valve admits

1 that the quoted words are contained in Valve's Steamworks Documentation. Valve denies the  
2 remaining allegations in paragraph 213 and footnote 83, and further denies that Plaintiffs have  
3 accurately characterized the quoted words in the cited message.

4 214. Valve admits that the quoted words appear in the cited website post, and  
5 respectfully refers the Court to the post for a complete statement of its contents. Valve admits  
6 that the quoted words were contained in an earlier version of Valve's Steamworks  
7 Documentation. Valve denies the remaining allegations in paragraph 214 and footnote 84.

8 215. Valve admits only that the copy of the screen reproduced in paragraph 215  
9 appears to be an accurate reproduction of a screen asking for confirmation of a request for Steam  
10 keys and setting out certain terms. Valve denies any remaining allegations in paragraph 215.

11 216. Valve admits that the quoted words appear on the website reproduced in  
12 paragraph 215, and respectfully refers the Court to the image in paragraph 215 for a complete  
13 statement of its contents. Valve denies the remaining allegations in paragraph 216.

14 217. Valve admits that the quoted words appear on the cited website page, and  
15 respectfully refers the Court to the website for a complete statement of its contents. Valve admits  
16 that the quoted words were contained in Valve's Steamworks Documentation. Valve denies the  
17 remaining allegations in paragraph 217 and footnote 85.

18 218. Valve admits that Steamworks includes discussion forums where game publishers  
19 can interact with Valve employees. Valve further admits that the quoted words appeared in  
20 forum postings. Valve denies the remaining allegations in paragraph 218.

21 219. Valve denies all allegations in paragraph 219.

22 220. Valve admits that the quoted words appear in forum postings. Valve denies the  
23 remaining allegations in paragraph 220.

24 221. Valve denies that it maintains or enforces a PMFN. Valve admits that a call  
25 between Wolfire's owner and Tom Giardino took place on December 3, 2018, but denies  
26 Plaintiffs' allegations of the content of the call or what transpired during it. Valve lacks

1 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
2 in Paragraph 221, and therefore denies them.

3 222. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
4 the allegations in paragraph 222, and therefore denies them.

5 223. Valve denies all allegations in Paragraph 223.

6 224. Valve denies all allegations in Paragraph 224.

7 **2. The Valve PMFN Suppresses Price Competition Across the Industry**

8 225. Valve denies all allegations in paragraph 225.

9 226. Valve denies that it maintains or enforces a PMFN. Valve lacks knowledge or  
10 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
11 226, and therefore denies them.

12 227. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
13 the allegations in paragraph 227, and therefore denies them.

14 228. Valve denies all allegations in paragraph 228.

15 229. Valve denies all allegations in paragraph 229.

16 230. Valve denies all allegations in paragraph 230.

17 231. Valve denies that it imposes a PMFN. Valve lacks knowledge or information  
18 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 231, and  
19 therefore denies them.

20 232. Valve denies all allegations in paragraph 232.

21 **3. The Valve PMFN Imposes Anticompetitive Harm**

22 233. Valve denies all allegations in paragraph 233 and footnote 86.

23 234. Valve admits that the quoted words appear in the cited article, and respectfully  
24 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
25 information sufficient to form a belief as to the truth of the facts asserted in the quotation, and  
26 therefore denies them. Valve lacks knowledge or information sufficient to form a belief as to the

1 truth of the remaining allegations in paragraph 234 and footnotes 87 and 88, and therefore denies  
2 them.

3 235. Valve denies all allegations in paragraph 235.

4 236. Valve denies all allegations in paragraph 236 and footnote 89.

5 237. Valve admits that the quoted words appear in the cited article, and respectfully  
6 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
7 information sufficient to form a belief as to the truth of the quoted words in paragraph 237, and  
8 therefore denies them. Valve denies the remaining allegations in paragraph 237 and footnote 90.

9 238. Valve admits that the quoted words appear in the cited article, and respectfully  
10 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
11 information sufficient to form a belief as to the truth of the quoted words in paragraph 238, and  
12 therefore denies them. Valve denies the remaining allegations in paragraph 238 and footnote 91.

13 239. Valve admits that the quoted words appear in the cited article, and respectfully  
14 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
15 information sufficient to form a belief as to the truth of the quoted words in paragraph 239, and  
16 therefore denies them. Valve denies the remaining allegations in paragraph 239 and footnote 92.

17 240. Valve admits that the quoted words appear in the cited article, and respectfully  
18 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
19 information sufficient to form a belief as to the truth of the quoted words in paragraph 240, and  
20 therefore denies them. Valve denies the remaining allegations in paragraph 240 and footnotes 93  
21 and 94.

22 241. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
23 the allegations in paragraph 241 and footnote 95, and therefore denies them.

24 242. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations in paragraph 242 and footnote 96, and therefore denies them.  
26

243. Valve admits that the quoted words appear in the cited article, and respectfully refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the quoted words in paragraph 243, and therefore denies them. Valve denies the remaining allegations in paragraph 243 and footnote 97.

244. Valve admits that the quoted words appear in the cited article, and respectfully refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the quoted words in paragraph 244, and therefore denies them. Valve denies the remaining allegations in paragraph 244 and footnote 98 and 99.

245. Valve lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 245 and footnotes 100 and 101, and therefore denies them.

246. Valve denies all allegations in paragraph 246.

**V. ATTEMPTS AT ENTRY INTO THE RELEVANT MARKETS HAVE FAILED BECAUSE OF VALVE'S ANTICOMPETITIVE RESTRAINTS**

247. Valve denies all allegations in paragraph 247.

248. Valve denies all allegations in paragraph 248.

249. Valve denies all allegations in paragraph 249.

250. Valve denies all allegations in paragraph 250.

251. Valve admits that it is subject to substantial competition from companies including EA, Microsoft, and Amazon. Valve denies the remaining allegations in paragraph 251.

252. Valve denies all allegations in paragraph 252.

253. Valve denies all allegations in paragraph 253.

254. No response to the allegations in paragraph 254 is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraph 254.

255. Valve admits only that there are no significant barriers to entry in distributing PC games and denies the remaining allegations in paragraph 255.

1       256. Valve denies all allegations in paragraph 256.

2       **A. Electronic Arts**

3       257. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
4 the allegations in paragraph 257 or footnote 102, and therefore denies them.

5       258. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
6 the allegations in paragraph 258 or footnotes 103 and 104, and therefore denies them.

7       259. Valve admits that the quoted words appear in the cited article, and respectfully  
8 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
9 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
10 259 or footnotes 105 and 106, and therefore denies them.

11       260. Valve admits that the quoted words appear in the cited article, and respectfully  
12 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
13 information sufficient to form a belief as to the truth of the allegations in the quoted words and in  
14 the remainder of paragraph 250 and footnote 107, and therefore denies them.

15       261. Valve admits that the quoted words appear in the cited article, and respectfully  
16 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
17 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
18 261 or footnotes 108 and 109, and therefore denies them.

19       262. Valve denies all allegations in paragraph 262.

20       **B. Discord**

21       263. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
22 the allegations in paragraph 263 or footnotes 110 and 111, and therefore denies them.

23       264. Valve admits that the quoted words appear in the cited article, and respectfully  
24 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
25 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
26 264 or footnote 112, and therefore denies them.

1           265. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in paragraph 265 or footnote 113, and therefore denies them.

3           266. Valve admits that the quoted words appear in the cited blog post, and respectfully  
4 refers the Court to the post for a complete statement of its contents. Valve lacks knowledge or  
5 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
6 266 or footnotes 114-117, and therefore denies them.

7           267. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations in paragraph 267 or footnotes 118 and 119, and therefore denies them.

9           268. Valve denies all allegations in paragraph 268.

10          269. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
11 the allegations in paragraph 269, and therefore denies them.

12          270. Valve admits that the quoted words appear in the cited article, and respectfully  
13 refers the Court to the article for a complete statement of its contents. Valve denies the facts  
14 asserted in the quotation in paragraph 270. Valve denies the remaining allegations in paragraph  
15 270 and footnote 120.

16          271. Valve admits that the quoted words appear in the cited article, and respectfully  
17 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
18 information sufficient to form a belief as to the truth of the quoted words in paragraph 271, and  
19 therefore denies them. Valve denies the remaining allegations in paragraph 271 and footnote  
20 121.

21           **C. Microsoft, Amazon, Google**

22          272. Valve admits that Microsoft offers games and other offerings competitive with  
23 those on Steam. Valve lacks knowledge or information sufficient to form a belief as to the truth  
24 of the remaining allegations in paragraph 272 or footnote 122, and therefore denies them.

25          273. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
26 the allegations in paragraph 273, and therefore denies them.



1           274. Valve admits that the quoted words appear in the cited article, and respectfully  
2 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
3 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
4 274 or footnote 123, and therefore denies them.

5           275. Valve admits that the quoted words appear in the cited article, and respectfully  
6 refers the Court to the article for a complete statement of its contents. Valve admits that Amazon  
7 offers games and other offerings competitive with those on Steam. Valve lacks knowledge or  
8 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
9 275 or footnotes 124 and 125, and therefore denies them.

10          276. Valve admits that Google Stadia offers games and other offerings competitive  
11 with those on Steam. Valve admits that the quoted words appear in the cited article, and  
12 respectfully refers the Court to the article for a complete statement of its contents. Valve lacks  
13 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
14 in paragraph 276 or footnotes 126 and 127, and therefore denies them.

15           **D. Epic Game Store**

16          277. Valve admits that Epic offers games and other offerings competitive with those on  
17 Steam. Valve lacks knowledge or information sufficient to form a belief regarding the truth of  
18 the remaining allegations in paragraph 277, and therefore denies them.

19          278. Valve admits that the quoted words appear in the cited article, and respectfully  
20 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
21 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
22 278 or footnotes 128 and 129, and therefore denies them.

23          279. Valve admits that the quoted words appear in the cited document, and respectfully  
24 refers the Court to the document for a complete statement of its contents. Valve lacks knowledge  
25 or information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
26 279 or footnote 130, and therefore denies them.

1           280. Valve lacks knowledge or information sufficient to form a belief regarding the  
2 truth of the allegations in paragraph 280 or footnote 131, and therefore denies them.

3           281. Valve admits that the quoted words appear in the cited articles, and respectfully  
4 refers the Court to the articles for complete statements of their contents. Valve lacks knowledge  
5 or information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
6 281 or footnote 132 and 133, and therefore denies them.

7           282. Valve lacks knowledge or information sufficient to form a belief regarding the  
8 truth of the allegations in paragraph 282 or footnotes 134 and 135, and therefore denies them.

9           283. Valve admits that the quoted words appear in the cited article, and respectfully  
10 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
11 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
12 283 or footnote 136, and therefore denies them.

13           284. Valve admits that the quoted words appear in the cited website post, and  
14 respectfully refers the Court to the post for a complete statement of its contents. Valve lacks  
15 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
16 in paragraph 284 or footnote 137, and therefore denies them.

17           285. Valve lacks knowledge or information sufficient to form a belief regarding the  
18 truth of the allegations in paragraph 285 or footnotes 138 and 139, and therefore denies them.

19           286. Valve lacks knowledge or information sufficient to form a belief regarding the  
20 truth of the allegations in paragraph 286, and therefore denies them.

21           287. Valve admits that the quoted words appear in the cited article, and respectfully  
22 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
23 information sufficient to form a belief as to the truth of the remaining allegations in paragraph  
24 287 or footnote 140, and therefore denies them.

25           288. Valve denies all allegations in paragraph 288.

26           289. Valve denies all allegations in paragraph 289.

**VI. VALVE'S ANTICOMPETITIVE PRACTICES DIRECTLY HARM BOTH GAME PUBLISHERS AND GAME PURCHASERS**

290. Valve admits that the quoted words appear in the cited case and publications, and respectfully refers the Court to the case and publications for complete statements of their contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 290, and therefore denies them.

291. Valve denies all allegations in paragraph 291.

292. Valve denies all allegations in paragraph 292.

293. Valve admits that the quoted words appear in the cited article, and respectfully refers the Court to the article for a complete statement of its contents. Valve denies the remaining allegations in paragraph 293 and footnotes 142-144.

294. Valve denies all allegations in paragraph 294.

295. Valve denies all allegations in paragraph 295.

296. Valve admits that the quoted words appear in the cited articles, and respectfully refers the Court to the articles for complete statements of their contents. Valve lacks knowledge or information sufficient to form a belief as to the truth of the quoted words in paragraph 296, and therefore denies them. Valve denies the remaining allegations in paragraph 296 and footnotes 145-147.

297. Valve denies all allegations in paragraph 297.

298. Valve denies the allegations in paragraph 298 that consumers or publishers are harmed by its conduct. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 298 and footnotes 148 and 149, and therefore denies them.

299. Valve denies the allegations in paragraph 299 that its conduct is anticompetitive and that consumers or publishers are harmed by its conduct. Valve lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 299 or footnotes 150-152, and therefore denies them.

1           300. Valve denies the allegations of the last sentence of paragraph 300. Valve lacks  
2 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
3 in paragraph 300 or footnotes 153 and 154, and therefore denies them.

4           301. Valve denies that its commissions are supracompetitive, admits that the quoted  
5 words appear in the cited articles, and respectfully refers the Court to the articles for complete  
6 statements of their contents. Valve denies the remaining allegations in paragraph 301 and  
7 footnotes 155-157.

8           302. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
9 the allegations in paragraph 302, and therefore denies them.

10          303. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
11 the allegations in paragraph 303 or footnotes 158 and 159, and therefore denies them.

12          304. Valve admits that the quoted words appear in the cited articles, and respectfully  
13 refers the Court to the articles for a complete statement of their contents. Valve lacks knowledge  
14 or information sufficient to form a belief as to the motives of regulators, and therefore denies the  
15 allegations of the first sentence of paragraph 304. Valve denies the remaining allegations in  
16 paragraph 304 and footnotes 160 and 161.

17          305. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
18 the allegations in paragraph 305, and therefore denies them.

19          306. Valve admits that the quoted words appear in the cited Report, and respectfully  
20 refers the Court to the Report for a complete statement of its contents. Valve lacks knowledge or  
21 information sufficient to form a belief as to the truth of the quoted words in paragraph 306, and  
22 therefore denies them. Valve denies the remaining allegations in paragraph 306 and footnotes  
23 162 and 163.

24          307. Valve denies all allegations in paragraph 307.

25          308. Valve denies all allegations in paragraph 308.

26          309. Valve denies all allegations in paragraph 309.

1       310. Valve denies all allegations in paragraph 310.

2       311. Valve denies all allegations in paragraph 311.

3       312. Valve denies all allegations in paragraph 312.

4       313. Valve denies all allegations in paragraph 313.

5       314. Valve admits that the quoted words appear in the cited website posts, and  
6 respectfully refers the Court to the posts for complete statements of their contents. Valve lacks  
7 knowledge or information sufficient to form a belief as to the truth of the quoted words in  
8 paragraph 314 not attributed to Valve, and therefore denies them. Valve denies the remaining  
9 allegations in paragraph 314 and footnotes 164-168.

10       315. Valve admits that Steam contains a Family Friendly section. Valve admits that the  
11 referenced guide exists. Valve lacks knowledge or information sufficient to form a belief as to  
12 the truth of the remaining allegations in paragraph 315 or footnotes 169 and 170, and therefore  
13 denies them.

14       316. Valve admits that the quoted words appear in the cited website post and article,  
15 and respectfully refers the Court to the post and article for complete statements of their contents.  
16 Valve lacks knowledge or information sufficient to form a belief as to the truth of the quoted  
17 words in paragraph 316, and therefore denies them. Valve denies the remaining allegations in  
18 paragraph 316 and footnotes 171 and 172.

19       317. Valve admits that the quoted words appear in the cited website post and article,  
20 and respectfully refers the Court to the post and article for complete statements of their contents.  
21 Valve lacks knowledge or information sufficient to form a belief as to the truth of the quoted  
22 words in paragraph 317 not attributed to Valve, and therefore denies them. Valve denies the  
23 remaining allegations in paragraph 317 and footnotes 173-175.

24       318. Valve admits that the quoted words appear in the cited Tweet, and respectfully  
25 refers the Court to the Tweet for a complete statement of its contents. Valve lacks knowledge or  
26 information sufficient to form a belief as to the truth of the quoted words in paragraph 318, and

1 therefore denies them. Valve denies the remaining allegations in paragraph 318 and footnote  
2 176.

3 319. Valve admits that it made changes to its Revenue Share terms. Valve denies the  
4 remaining allegations in paragraph 319.

5 320. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
6 the allegations in paragraph 320 or footnote 177, and therefore denies them.

7 321. Valve admits that the quoted words appear in the cited article, and respectfully  
8 refers the Court to the article for a complete statement of its contents. Valve lacks knowledge or  
9 information sufficient to form a belief as to the truth of the quoted words in paragraph 321, and  
10 therefore denies them. Valve denies the remaining allegations in paragraph 321 and footnotes  
11 178-180.

12 322. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
13 the allegations in paragraph 322, and therefore denies them. Valve specifically denies the  
14 existence of a PMFN.

15 323. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations in paragraph 323, and therefore denies them. Valve specifically denies the  
17 existence of a PMFN.

18 324. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
19 the allegations in paragraph 324, and therefore denies them.

20 325. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
21 the allegations in paragraph 325, and therefore denies them.

22 326. Valve denies all allegations in paragraph 326.

23 327. Valve denies all allegations in paragraph 327.

24 **CLASS ACTION ALLEGATIONS**

25 328. Valve admits that Plaintiffs bring this action under Federal Rules of Civil  
26 Procedure 23(a), (b)(2), and (b)(3) but denies that it satisfies those rules.

1           329. Valve lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in paragraph 329, and therefore denies them.

3           330. The allegation that both buyers and sellers are direct purchasers from Valve is a  
4 legal conclusion to which no response is required. To the extent a response is required, Valve  
5 denies the allegation on the grounds that buyers are not direct purchasers in all instances. Valve  
6 denies the remaining allegations in paragraph 330.

7           331. No response to this claim or these allegations is required because the Court  
8 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
9 the extent that a response is required, Valve denies the allegations in paragraph 331.

10          332. Paragraph 332 contains legal conclusions to which no response is required. To the  
11 extent a response is required, Valve denies the allegations in paragraph 332.

12          333. Paragraph 333 contains legal conclusions to which no response is required. To the  
13 extent a response is required, Valve denies the allegations in paragraph 333.

14          334. Paragraph 334 contains legal conclusions to which no response is required. To the  
15 extent a response is required, Valve denies the allegations in paragraph 334.

16          335. Paragraph 335 contains legal conclusions to which no response is required. To the  
17 extent a response is required, Valve denies the allegations in paragraph 335.

18          336. Paragraph 336 contains legal conclusions to which no response is required. To the  
19 extent a response is required, Valve denies the allegations in paragraph 336.

20          337. Paragraph 337 contains legal conclusions to which no response is required. To the  
21 extent a response is required, Valve denies the allegations in paragraph 337.

22          338. Paragraph 338 contains legal conclusions to which no response is required. To the  
23 extent a response is required, Valve denies the allegations in paragraph 338.

24          339. Paragraph 339 contains legal conclusions to which no response is required. To the  
25 extent a response is required, Valve denies the allegations in paragraph 339.

1        340. Paragraph 340 contains legal conclusions to which no response is required. To the  
2 extent a response is required, Valve denies the allegations in paragraph 340.

3                                **INTERSTATE TRADE AND COMMERCE**

4        341. Valve admits that it participates in interstate commerce but denies the remaining  
5 allegations in paragraph 341.

6        342. Valve denies all allegations in paragraph 342.

7                                **CAUSES OF ACTION**

8                                **FIRST CAUSE OF ACTION**

9        **Sherman Act Section 2—Monopolization of the PC Desktop Game Distribution Market**  
10                                **(15 U.S.C. § 2)**

11        343. Valve incorporates its answers to the preceding paragraphs as if fully set forth in  
12 this paragraph.

13        344-355. No response to this claim or these allegations is required because the  
14 Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
15 prejudice. To the extent a response is required, Valve denies the allegations in Paragraphs 344  
16 through 355.

17                                **SECOND CAUSE OF ACTION**

18        **Sherman Act Section 2—Attempted Monopolization of the PC Desktop Game Distribution**  
19                                **Market (15 U.S.C. § 2)**

20        356. Valve incorporates its answers to the preceding paragraphs as if fully set forth in  
21 this paragraph.

22        357-364. No response to this claim or these allegations is required because the  
23 Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with  
24 prejudice. To the extent a response is required, Valve denies the allegations in paragraphs 357-  
25 364.  
26



**THIRD CAUSE OF ACTION**

**Sherman Act Section 2—Monopolization of the PC Desktop Game Platform Market**  
**(15 U.S.C. § 2)**

365. Valve incorporates its answers to the preceding paragraphs as if fully set forth in this paragraph.

366-374. No response to this claim or these allegations is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraphs 366-374.

**FOURTH CAUSE OF ACTION**

**Sherman Act Section 2—Attempted Monopolization of the PC Desktop Gaming Platform Market (15 U.S.C. § 2)**

375. Valve incorporates its answers to the preceding paragraphs as if fully set forth in this paragraph.

376-383. No response to this claim or these allegations is required because the Court dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To the extent a response is required, Valve denies the allegations in paragraphs 376-383.

**FIFTH CAUSE OF ACTION**

**Sherman Act Section 2—Monopolization of the Alternative PC Desktop Game Transaction Platforms Market**  
**(15 U.S.C. § 2)**

384. Valve incorporates its answers to the preceding paragraphs as if fully set forth in this paragraph.

385. Valve denies all allegations in paragraph 385.

386. Valve denies all allegations in paragraph 386.

387. Valve denies all allegations in paragraph 387.

1 388. Valve denies all allegations in paragraph 388.

2 389. Valve denies all allegations in paragraph 389.

3 390. Valve denies all allegations in paragraph 390.

4 391. Valve denies all allegations in paragraph 391.

5 392. Valve denies all allegations in paragraph 392.

6 **SIXTH CAUSE OF ACTION**

7 **Sherman Act Section 2—Attempted Monopolization of the Alternative PC Desktop Game**  
8 **Transaction Platforms Market (15 U.S.C. § 2)**

9 393. Valve incorporates its answers to the preceding paragraphs as if fully set forth in  
10 this paragraph.

11 394. Valve denies all allegations in paragraph 394.

12 395. Valve denies all allegations in paragraph 395.

13 396. Valve denies all allegations in paragraph 396.

14 397. Valve denies all allegations in paragraph 397.

15 398. Valve denies all allegations in paragraph 398.

16 399. Valve denies all allegations in paragraph 399.

17 400. Valve denies all allegations in paragraph 400.

18 401. Valve denies all allegations in paragraph 401.

19 402. Valve denies all allegations in paragraph 402.

20 **SEVENTH CAUSE OF ACTION**

21 **Sherman Act Section 1—Unreasonable Restraints of Trade (15 U.S.C. § 1)**

22 403. Valve incorporates its answers to the preceding paragraphs as if fully set forth in  
23 this paragraph.

24 404. Valve denies the allegations in paragraph 404.

1           405. No response to this claim or these allegations is required because the Court  
2 dismissed Plaintiffs' claims predicated on separate markets and illegal tying with prejudice. To  
3 the extent a response is required, Valve denies the allegations in paragraph 405.

4           406. Valve denies all allegations in paragraph 406.

5           407. Valve denies all allegations in paragraph 407.

6           408. Valve denies all allegations in paragraph 408.

7           409. Valve denies all allegations in paragraph 409.

8           410. Valve denies all allegations in paragraph 410.

9           411. Valve denies all allegations in paragraph 411.

#### 10                                   **EIGHTH CAUSE OF ACTION**

#### 11                                   **Washington State Consumer Protection Act RCW 19.86**

12           412. Valve incorporates its answers to the preceding paragraphs as if fully set forth in  
13 this paragraph.

14           413. Valve denies all allegations in paragraph 413.

15           414. Valve denies all allegations in paragraph 414.

16           415. Valve denies all allegations in paragraph 415.

17           416. Valve denies all allegations in paragraph 416.

18           417. Valve denies all allegations in paragraph 417.

19           418. Valve denies all allegations in paragraph 418.

#### 20                                   **PRAYER FOR RELIEF**

21           Valve denies that Plaintiffs are entitled to any relief whatsoever from Valve and further  
22 denies all allegations contained in the section of Plaintiffs' Second Amended Consolidated Class  
23 Action Complaint titled "Prayer for Relief."

1                                   **AFFIRMATIVE DEFENSES**

2           For its affirmative defenses to Plaintiffs' Second Amended Consolidated Class Action  
3 Complaint, Valve alleges as follows:

4                                   **FIRST AFFIRMATIVE DEFENSE**

5           The Complaint fails to state a claim upon which relief can be granted.

6                                   **SECOND AFFIRMATIVE DEFENSE**

7           The Complaint and the relief sought therein are barred because the alleged conduct had  
8 no anticompetitive effect.

9                                   **THIRD AFFIRMATIVE DEFENSE**

10          Plaintiffs' claims are barred because Plaintiffs have not suffered any antitrust injury.

11                                  **FOURTH AFFIRMATIVE DEFENSE**

12          Plaintiffs' claims are barred, in whole or in part, because Plaintiffs failed to mitigate  
13 and/or, through their own conduct, caused damages, if any, allegedly suffered as a result of the  
14 alleged conduct.

15                                  **FIFTH AFFIRMATIVE DEFENSE**

16          Plaintiffs' claims are barred, in whole or in part, by the doctrine of unclean hands.

17                                  **SIXTH AFFIRMATIVE DEFENSE**

18          Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

19                                  **SEVENTH AFFIRMATIVE DEFENSE**

20          Plaintiffs' claims for damages are barred, in whole or in part, because their alleged  
21 damages, if any, are too remote and/or speculative to allow recovery and because determining  
22 whether, or to what extent, Plaintiffs were damaged is not possible.

23                                  **EIGHTH AFFIRMATIVE DEFENSE**

24          Any injuries sustained by Plaintiffs or putative class members were not caused by Valve.

25                                  **NINTH AFFIRMATIVE DEFENSE**

26          Plaintiffs are not entitled to injunctive relief as they have an adequate remedy at law.

1                                    TENTH AFFIRMATIVE DEFENSE

2            The claims alleged in the Complaint may not be properly maintained or certified as a  
3 class action.

4                                    ELEVENTH AFFIRMATIVE DEFENSE

5            Plaintiffs' claims are barred, in whole or in part, insofar as Plaintiffs make claims or seek  
6 remedies that conflict with, are barred by, or are waived by the terms of Plaintiff's agreements  
7 with Valve.

8                                    ADDITIONAL DEFENSES

9            Valve reserves the right to amend this Answer to add, supplement, or modify defenses  
10 based upon legal theories that come to light through further clarification of the Complaint,  
11 through discovery, or through further legal analysis of Plaintiffs' allegations, contentions, and  
12 positions in this litigation.

13                                   JURY DEMAND

14           Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Valve demands a trial by  
15 jury of all claims and issues so triable.

16                                   PRAYER FOR RELIEF

17           WHEREFORE, having fully answered Plaintiffs' Second Amended Consolidated Class  
18 Action Complaint, Valve prays for the following relief:

19           A.        An order dismissing Plaintiffs' Second Amended Consolidated Class Action  
20 Complaint against Valve with prejudice;

21           B.        An award of all its attorneys' fees and costs to the extent permitted by law; and

22           C.        For such other and further relief as this Court deems just and equitable.

1 DATED this 10th day of June, 2022.

2 **FOX ROTHSCHILD, LLP**

3  
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11 And

12 **MONTGOMERY MCCrackEN**

13 **WALKER & RHOADS, LLP**

14 By s/ Charles B. Casper

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17 Philadelphia, PA 19103

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20 Email: [ccasper@mmwr.com](mailto:ccasper@mmwr.com)

21 Attorneys for Defendant Valve Corporation

**CERTIFICATE OF SERVICE**

I certify that I am a secretary at the law firm of Fox Rothschild LLP in Seattle, Washington. I am a U.S. citizen over the age of eighteen years and not a party to the within cause. On the date shown below, I caused to be served a true and correct copy of the foregoing on counsel of record for all other parties to this action as indicated below:

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*Attorneys for Plaintiffs*

1 I declare under penalty of perjury that the foregoing is true and correct.

2 EXECUTED this 10<sup>th</sup> day of June, 2022, in Puyallup, Washington.

3  
4   
5 Courtney R. Brooks